IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19370 of 2004

Between:

L. Goverdhanagiri Rao, S/o. Late L. Vaikuntama naidu,
Physical Director, Besant Theosophical College,
Madanapalli,, R/o. D.No. IV-3-2-A6, Temple Street, Krishna Nagar, Madanapally,
Chittoor District.

... PETITIONER

AND

1 The State of A.P., rep. by its Principal Secretary to Govt of A.P.,
Higher Education Department, Secretariat, Hyd.
2 The Commissioner of Higher Education, A.P., Nampally, Hyderabad.
3 The Principal, Besant Theosophical College,
Madanapalli, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order preferably in the nature of writ of mandamus and declare the action of the respondents in not regularising the services of the petitioner as Physical Director as illegal and violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to regularise the services of the petitioner as Physical Director from the date of his initial appointment with all consequential benefits like arrears of pay, seniority etc, and pass such other order or orders as this Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondent No1 and 2.: GP FOR HIGHER EDUCATION

Counsel for Respondent No.3: None

The Court at the admission stage made the following:

Oral Order:

The petitioner is working as a Physical Director in Besant Theosophical College, Madanapalli. He filed this writ petition seeking a writ of mandamus directing the respondents to regularize the services of the petitioner with all consequential benefits. The petitioner contends that he is eligible for regularization and the third respondent sent a proposal to the second respondent on 6-9-2000 for filling up a regular post, but no order has been passed by the second respondent. The third respondent again sent another proposal on 21-10-2003 to the second respondent, but no action has been taken to regularize his services. The petitioner therefore approached this Court seeking to declare the action of the respondents in not regularizing his services as illegal and violative of Articles 14, 16 and 21 of the Constitution and to direct the respondent to regularize his services as a Physical Director from the date of his initial appointment with all consequential benefits.

The petitioner is contending that he is eligible for regularization. The proposals were sent by the third respondent to regularize the services of the petitioner. In the light of the circumstances explained by the petitioner, the respondents 1 and 2 are directed to consider the proposal of the third respondent dated 6-9-2000 and 21-10-2003 to regularize the services of the petitioner and pass appropriate orders regarding the request of the petitioner for regularization of his services from the date of his initial appointment within two months from the date of receipt of this order according to the rules in force.

The writ petition is accordingly disposed of.

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(Dr.G. Yethirajulu, J)

26th October 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary to Government of Andhra Pradesh,
Higher Education Department, Secretariat, Hyderabad.
2 The Commissioner of Higher Education, A.P., Nampally, Hyderabad.
3 The Principal, Besant Theosophical College,
Madanapalli, Chittoor District.

4 Two C.Cs. to the Government Pleader for Education,

High Court of A.P., Hyderabad (OUT)

5 One C.C. to Mr.L.Goverdhanagiri Rao, Advocate. (OPUC)

6 2 CD copies

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